

Town of Fort Myers Beach
Agenda Item Summary

Blue Sheet Number: 2011-025

1. Requested Motion: Motion to approve the settlement of Peter & Susan Lisich v. Town of Fort Myers Beach, Florida, Case No. 10-CA-001727

Meeting Date: March 21, 2011

Why the action is necessary: The case was settled at mediation.

What the action accomplishes: The case is dismissed with prejudice and the matter is finally resolved.

2. Agenda:

3. Requirement/Purpose:

4. Submitter of Information:

☐ Consent
☒ Administrative

☐ Resolution
☐ Ordinance
☐ Other

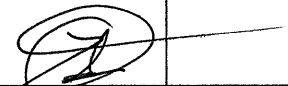
☐ Council
☐ Town Staff
☒ Town Attorney

5. Background: Peter and Susan Lisich filed a lawsuit against the Town challenging the approval of Limited Review Development Order LDO2010-00045 allowing the construction of boat docks at the Pink shell resort. JABO, LLC is the owner of the Pink Shell Resort and intervened in the case. The parties participated in mediation on November 17, 2010 and then again on February 24, 2011. The parties settled the matter at mediation. The settlement agreement does not impact the Town other than the town agrees to the dismissal of the case with prejudice with each party pays its own fees and costs. There is no statutory basis for the Town to recover its attorney's fees from the Plaintiff's. Therefore, there is no monetary reason not to agree to the dismissal. The remaining terms of the settlement are between the Pink Shell resort and Mr. and Mrs. Lisich and are not binding on the Town.

6. Alternative Action:

7. Management Recommendations:

8. Recommended Approval:

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

9. Council Action:

☐ Approved ☐ Denied ☐ Deferred ☐ Other